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**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
921095-910614

In Re Application Of: **Stuart H. Thomson and Mark Y. Zhan**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/056,572	01-24-2002	Stephen T. Gordon	23644	3612	5439

Invention: **DOOR EDGE PROTECTION SYSTEM FOR CONVENTIONAL AUTORACK RAILCARS**



Attention: Office of Petitions  
Mail Stop Petition  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: \_\_\_\_\_

2. ☒ The issue fee:

☐ is enclosed. ☒ was paid on April 30, 2004

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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<b>10/056,572</b>	<b>01-24-2002</b>	<b>Stephen T. Gordon</b>	<b>23644</b>	<b>3612</b>	<b>5439</b>

Invention: **DOOR EDGE PROTECTION SYSTEM FOR CONVENTIONAL AUTORACK RAILCARS**

**Calculation and Payment of Fees**

Enclosed are the following fees:

- |   |                             |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of:          | <u>\$1,330.00</u>           |
| 7. <input type="checkbox"/> Fee for amendment in the amount of:                                     | <u>                    </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u>                    </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of:   | <u>                    </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of:                    | <u>                    </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of:                              | <u>                    </u> |
| 12. <input type="checkbox"/> _____  | <u>                    </u> |
| <b>Total fees enclosed: <u>\$1,330.00</u></b>   |                             |

The fee of **\$1,330** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **12-0913**

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.  
921095-910614

In Re Application Of: **Stuart H. Thomson and Mark Y. Zhan**

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10/056,572	01-24-2002	Stephen T. Gordon	23644	3612	5439

Invention: **DOOR EDGE PROTECTION SYSTEM FOR CONVENTIONAL AUTORACK RAILCARS**

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.



*Signature*

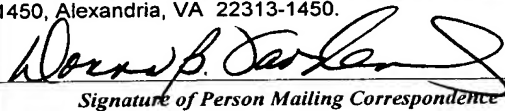
**DAVID C. BREZINA  
BARNES & THORNBURG LLP  
P.O. BOX 2786  
CHICAGO, IL 60690**

**REGISTRATION NO.: 34,128**

CC:

Dated: 7/14/04

I certify that this document and fee is being deposited on 7-15-2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
*Signature of Person Mailing Correspondence*

**DONNA B. VANDENBERG**

*Typed or Printed Name of Person Mailing Correspondence*

BARNES & THORNBURG

Suite 4400  
One North Wacker Drive  
Chicago, IL 60606  
(312) 357-1313 (Telephone)  
(312) 759-5646 (Facsimile)



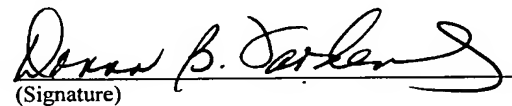
**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23644  
Application No.: 10/056,572  
Confirmation No.: 5439  
Filing Date: 01-24-2002  
Group Art Unit: 3612  
Examiner Name: Stephen T. Gordon  
Attorney  
Docket No.: 921095-910614  
First Named  
Inventor: Stuart H. Thomson, et al  
Title: Door Edge Protection System for Conventional  
Autorack Railcars

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as  
first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington,  
D.C. 20231  
on Wednesday, July 14, 2004

  
(Signature)

Donna B. Vandenberg  
(Printed Name)

☒ AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of Issue Fees), they may be paid out of our deposit account 12-0913. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany this payment.

☐ Applicant hereby petitions for a   -month extension and entry of this Amendment which is sent within the    month after the due date of   , 2003. The payment of \$   .00 to cover the   -month extension is enclosed herewith.

***RESPONSE TO NOTICE OF ABANDONMENT***

BARNES & THORNBURG



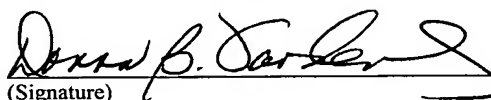
Suite 4400  
One North Wacker Drive  
Chicago, IL 60606  
(312) 357-1313 (Telephone)  
(312) 759-5646 (Facsimile)

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No.: 23644  
Application No.: 10/056,572  
Confirmation No.: 5439  
Filing Date: 01-24-2002  
Group Art Unit: 3612  
Examiner Name: Stephen T. Gordon  
Attorney  
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Inventor: Stuart H. Thomson, et al  
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(Signature)

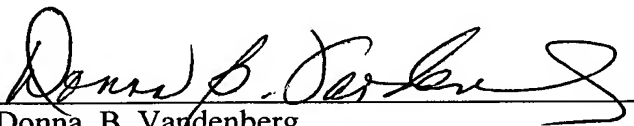
Donna B. Vandenberg  
(Printed Name)

- ☒ [x] AUTHORIZATION TO PAY AND PETITION FOR THE ACCEPTANCE OF ANY NECESSARY FEES. If any charges or fees must be paid in connection with the following Communication (including but not limited to the payment of Issue Fees), they may be paid out of our deposit account 12-0913. If this payment also requires a Petition, please construe this authorization to pay as the necessary Petition which is required to accompany this payment.
- ☐ [] Applicant hereby petitions for a \_\_\_-month extension and entry of this Amendment which is sent within the \_\_\_ month after the due date of \_\_\_\_, 2003. The payment of \$ \_\_\_.00 to cover the \_\_\_-month extension is enclosed herewith.

***AFFIDAVIT OF DONNA B. VANDENBERG  
IN RESPONSE TO NOTICE OF ABANDONMENT***

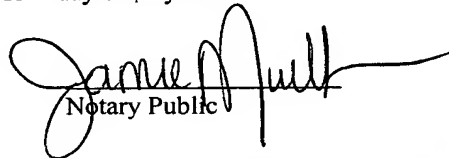
In response to the Notice of Abandonment (copy enclosed herewith), below is the  
Affidavit of Donna B. Vandenberg

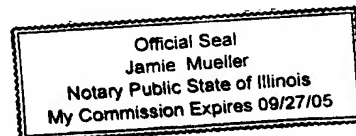
I, Donna B. Vandenberg, secretary to David C. Brezina, state that I deposited the Issue  
Fee including a check in the amount of \$1,630.00 in the U.S. Mail on April 30, 2004 as indicated  
by my initials on the postcard (/dbv) stamped received by the U.S. Patent Office on May 3, 2004.

  
Donna B. Vandenberg

NOTARY

Before me personally appeared Donna Vandenberg, who is personally known to me and whose name is  
subscribed to the above foregoing instrument, and acknowledge that she signed, sealed and delivered the said  
instrument for the uses and purposes herein set forth this 15<sup>th</sup> day of July 2004.

  
Notary Public



In response to the Notice of Abandonment (copy enclosed herewith), applicant responds as follows.

- The Issue Fee was due and mailed on Friday, April 30, 2004.
- The checks covering the Issue Fee and assignment recordal were dated April 29, 2004 (copy of check stubs enclosed).
- The postcard stated that the Issue Fee, Assignment and checks were mailed on Friday April 30, 2004.
- The PTO acknowledges that the envelope containing the Issue Fee and checks was received on Monday May 3, 2004.
- Therefore, even though the Certificate of Mailing was neither dated nor signed, the envelope HAD to have been mailed from Chicago on either April 29, 2004 (the date the checks were written) or April 30, 2004 the day the Issue Fee was due (which is the Friday prior to the May 3<sup>rd</sup> date acknowledged by the PTO).
- Finally, functionally equivalent to the Issue Fee form (PTOL 85) being signed or dated by Donna Vandenberg is provided by her initials, "dbv", on the Postcard indicating that the package was mailed on April 30, 2004.
- Applicant's attorney submits herewith an Affidavit of his secretary, Donna B. Vandenberg, that the Issue Fee and corresponding check were deposited in the U.S. mail on April 30, 2004.

Therefore, applicant respectfully submits that the Issue Fee was mailed on the due date of April 30, 2004 and that the Notice of Abandonment should be rescinded. Applicant also submits that since the Issue Fee was paid on time that the Reinstatement Fee of \$1,330.00



is not required. However, if the Patent Office deems otherwise, the Reinstatement Fee can be charged to Applicant's Deposit Account 12-0913.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David C. Brezina".

---

David C. Brezina  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, IL 60690  
Phone: 312-214-4802  
Facsimile: 312-759-5646

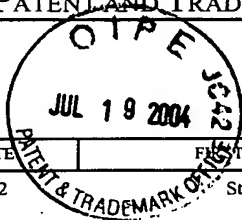
Attorney for Applicant  
Registration No.: 34,128

9.10614



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,572	01/24/2002	Stuart H. Thomson	1095-1066.3	5439

7590 06/29/2004  
 DAVID C. BREZINA  
 BARNES & THORNBURG, LLP  
 PO BOX 2786  
 CHICAGO, IL 60690

RECEIVED  
 JUL 9 6 2004

EXAMINER
GORDON, STEPHEN T
ART UNIT
PAPER NUMBER
3612

DATE MAILED: 06/29/2004

BARNES & THORNBURG

Please find below and/or attached an Office communication concerning this application or proceeding.



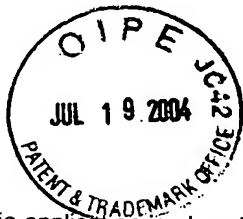
APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

10 056 572

EXAMINER

ART UNIT

PAPER NUMBER



DATE MAILED:

### NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☒ The issue fee and publication fee, if applicable, was received on 5-3-4 (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_
- Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



CASE NO. 921095-910614

Holland L.P.  
Please acknowledge  
receipt of the  
enclosed:  
Stuart H. Thomson et al

RECEIVED  
MAY 07 2004

APPLN NO : 10/056,572 BINES & THORNBURG

FILING DATE: 1/24/2002

1. Issue Fee
2. Checks - \$1,630.00 and \$40.00
3. Assignment and PTO 1595
4.
5. Certificate of First Class Mail.
6. Return Postcard

DUE DATE (If Any): April 30, 2004

DATE SENT April 30, 2004

/dbv

